

REMARKS

I. Status

In the Office Action dated June 19, 2009, the Examiner: (i) objected to the Specification; (ii) rejected claims 22-43 under 35 U.S.C. 112; (iii) rejected claims 22-43 under 35 U.S.C. 101 as being directed toward nonstatutory subject matter; (iv) rejected claims 22 and 28-34 under 35 U.S.C. 102(b) as being anticipated by Munro et al, (US2002/0089549A1) (v) rejected claims 22-25, 29-31, and 33 under 35. U.S.C. 102(e) as being anticipated by Wan (US 7,461,168 B1); (vi) rejected claims 26-27 under 35 U.S.C. 103(a) as being unpatentable over Munro et al in view of Miller, et al, (US 2005/0185055 A1); (vii) rejected claims 23-25 under 35. U.S.C. 103(a) as being unpatentable over Munro et al, in view of Tucker, et al. (US2004/0049598 A1); (viii) rejected claims 26-27 under 25, U.S.C. under 103(1) as being unpatentable over Wan, US 7,461,168 B1 in view of Miller, et al (US 2005/0185055 A1); (ix) rejected claims 28, 32, and 34-43 under 35 U.S.C. 103(a) as being unpatentable over Wan (US 7,461,168 B1) in view of Munro et al, (US 2002/0089559 A1).

In this Response, Applicant has amended claims 22, 24-26, 28, 30, 32, and 34-35; and cancelled claim 33. Claims 22-32 and 34-43 will be pending after entry of this Amendment.

II. Objection of the Specification

The Examiner objected to the specification under 37 CFR 1.75(d)(1) and MPEP 608.01(o) for failing to provide proper antecedent basis for “tangible computer readable media. Applicant has amended the claims to now recite “computer readable storage media,” thereby obviating this objection. Support for “storage media” can be found at pg. 11, lines 19-22.

III. Rejections under Section 112, first paragraph

The Examiner rejected claims 22-43 under 35 U.S.C. 112 as failing to comply with the written description requirement because the specification does not support “independent images.” Applicant has amended the claims to refer to a primary image and a plurality of secondary images. Support for “primary” and “secondary” images can be throughout the Specification, including in the Summary at pg. 3, lines 1-25.

The Examiner rejected claim 35 for “reciting features drawn to detecting user interaction with a displayed image and identifying a second markup language tag. . .” Applicant respectfully traverses. Support for the claimed “user interaction with a displayed image” can at least be found at pg. 6, lines 6 (explaining that “the multi-image file 301 consists of a primary image 302, two secondary images 306 that are designed to work cooperatively . . . to create a mouse-over feedback effect. . . .In this way, tab control 300 will appear to react to a mouse-over event); Figs. 8a and 8b; and original claims 6-8. Support for the claimed “markup language tags” and “codes” can be found at least at pg. 6, line 18 – pg 9, line 1; Figs. 4-7; and original claims 1-12.

The Examiner also rejected claim 36 as not supported by the Specification. Applicant respectfully traverses. Support for the claimed “complementary layers” can at least be found at pg. 5, lines 1-13 and original claim 19.

The Examiner also rejected claim 37 as not supported by the Specification. Applicant respectfully traverses. Support for the claimed “overlay[]” can at least be found at pg. 5, lines 1-13 and original claim 21.

The Examiner also rejected claim 39 as not supported by the Specification. Applicant respectfully traverses. Support for the claimed “comparing the second codes to the image descriptors” can at least be found at pg. 6, line 18 – pg 9, line 1 and Figs. 4-7 (for example, at pg. 7, lines 18-24, explaining “If, however, the image file is a multi-image file 200, the browser 126 then determines at block 540 whether or not the multi-

image file 200 actually contains the "img2" image 204. If the multi-file 130 correctly contains an "img2" image 204 the browser 126 displays the "img2" image 204 at block 550.")

The Examiner also rejected claim 43 as not supported by the Specification. Applicant respectfully traverses. Support for the claimed "failing to identify an image specified by the one or more second codes" and "responsive to the failure, displaying the primary image" can be found at pg. 6, line 18 – pg 9, line 1 and Figs. 4-7 (for example, at pg. 7, lines 18-24, explaining "If the multi-image file 130 does not contain an "img" image 204, the browser 126 defaults at block 560 to displaying the primary image 202. In some embodiments, the browser 126 may also display an error message at block 560").

IV. Rejections under Section 112, second paragraph

The Examiner rejected claims 35-43 as being indefinite. Applicant respectfully traverses. Images can be "simultaneously displayed" in many ways, including adjacent to one another and/or overlaying one another. Applicant specifically illustrated one such embodiment in Figs. 3A-3B.

V. Rejections under Section 101

The Examiner rejected claims 22-43 under 35 U.S.C. 101 because they are directed to nonstatutory subject matter. Applicant has amended claims 22 and 30 to satisfy the 'specific machine' prong of the current *Bilski* test, namely by limiting them to a computer having a network interface and a display unit. Claims 22 and 30 also satisfy the 'transformation' test by "selectively displaying" subsets of the images in the multi-image files on the display unit.

Claim 35 has also been amended to satisfy the specific machine prong by reciting “a network interface,” “a display unit” and “an I/O interface.” Claim 35 also meets the *Bilski* transformation prong by parsing and displaying portions of the multi-image files.

VI. Rejections under Section 102 and 103

A brief overview of Applicant’s invention in light of existing art will be helpful in appreciating the issues herein. As described in the Background section, many web sites contain a graphical navigation interface, such as a menu pane. Typically, menu panes contain a number of graphical elements representing potential choices. Each graphical element, in turn, consists of a separate image, usually encoded according to the GIF or JPEG standards. Although each image requires a relatively small amount of storage space, a typical menu pane comprises dozens of individual graphical elements. The sheer volume of these images creates many problems. For example, the tracking, maintaining, and naming of these files imposes significant administrative burdens on the web site developer. The volume of images also increases the number of server connections and network traffic because each individual file must be downloaded from the web server computer.

As further explained in the Background section, these problems are exasperated when web site developers try to make their graphical navigation interfaces dynamic. For example, one common technique used to generate dynamic interfaces uses multiple versions of each graphical element, with each version having small variations in color and/or shape. These images can be linked together with scripting engines to produce a controlled animation effect called a ‘rollover.’ Thus, this techniques requires the use of at least three separate image files for each element: one image showing the initial menu item, a second image for display when the end user passes a mouse cursor over the menu item; and a third image to the product submenu items. This, in turn, means that for a

simple interface with five choices, the web developer will need to manage fifteen separate image files. Those skilled in the art will appreciate that this complexity is further magnified by each new interface element; the complex interfaces at a major web sites can often require hundreds or even thousands of small image files, every one of which must be created, tracked, maintained, and transmitted.

The present invention provides a more-robust, more-flexible way to manage this dynamic content by introducing “multi-image files.” As described and claimed, these multi-image files comprise a single file containing a primary image and a plurality of secondary image adapted for cooperative display. Thus, a browser implementing the present invention only has to retrieve one file to present a dynamic interface effect. The present invention also includes a mark-up language tag that allows the web page designer to specify, directly and via script, which picture from the file to display.

The Specification also explains that multi-image files offer numerous advantages over conventional image delivery formats. For example, the ability of multi-images files to allow many graphical elements to be stored in a single file reduces the number of server connections needed to download a graphically rich site and increases apparent speed. Another advantage is that web page developers can use scripting languages, such as JavaScript, to create animations and overlay multiple images from a single multi-image file more easily and more robustly than possible using conventional animated-GIF techniques because the multi-image files of the present invention eliminate overhead associated with preloading and referencing multiple images. Yet another feature and advantage is that the multi-image files may contain different size and shaped images. This allows the web page designer to identify and segregate those portions that contain dynamic elements from those portions that are static. This feature may be particularly desirable on devices with limited processing power and/or storage.

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Turning now to the rejections, Applicant notes that a reference can only anticipate a claim if that reference teaches or suggest each and every claim element. Applicant also notes that the Examiner bears the initial burden of establishing a prima facie case of obviousness. See *MPEP* § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

In this case, Applicant respectfully submits that no reference or combination of references can anticipate or obviate the claimed inventions because no reference teaches or suggests the claimed multi-image files.

A. Munro

Munro generally describes a browser plug-in that displays multiple bitmap images. Significantly, however, in order to display those images, the plug-in has to individually retrieve each image from the server. *E.g.*, *Munro*, ¶ 0008 (distinguishing the prior art because “none of these applications allow for separate images, each image having an independent data file, to be concurrently displayed”); ¶ 0045 (explaining that “in this example, the multiple image viewer only had to download two data files . . .”); and ¶ 0050 (stating that “the compressed images are stored in a file structure”)(emphasis added). The present invention, in contrast, contains multiple, independent images in a single file. In this way, a browser implementing the present invention receives all the images necessary to present a dynamic effect in one package.

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The Examiner cites paragraph [0008] as teaching the claimed multi-image files. Applicant respectfully submits that the Examiner's interpretation of this paragraph is incorrect; the cited section of Munro describes a single image file that is rendered as a mosaic of multiple pictures, and not a single file containing multiple images. As previously noted, the Examiner's cited paragraph itself specifically states that the advantage Munroe is that allows "for two separate images, *each image having an independent data file*, to be concurrently displayed and manipulated in the same window"(emphasis added). The Examiner also cites paragraphs [0049]-[0050], which add that the images are stored on the server such that the server can generate multiple resolutions upon request. In each case, however, the browser plug-in has to individually receive each of the different images. *Munroe*, ¶ 0049 ("If . . . the user zooms in on an image above the predetermined setting, then the multiple-image viewer would request the next higher resolution. . . .") Put another way, Munroe merely teaches that the server can transcode an image into multiple resolutions. However, it is silent about putting multiple images into a single, multi-image file.

The claims also specifically require that the images in the multi-image file be "adapted for cooperative display." That is, as described in the Specification:

the secondary images 204-206 may be displayed together with the primary image 202 or another secondary image 204-206 to form a combined image, displayed individually in place of the primary image 202, or some combination thereof. That is, the primary image 202 and secondary images 204-206 may be displayed together as complementary layers, as alternative versions of the same image, or a combination of cooperative and alternative elements.

Specification, page 5, lines 5- 10. Even assuming the different resolutions in Munroe constitute multiple, independent images, those resolutions are certainly not adapted for cooperative display, nor constitute complementary layers, nor overlay the primary image.

Instead, the browser plug-in described in Munro will either display a high resolution image or a low resolution image, but not both at once.

B. Miller

Miller also fails to teach these elements. Instead, Miller is directed at a method of customizing a digital camera to accommodate user preferences, such as color background, icons and names. However, Miller does not describe how the resulting images will be stored and transmitted, other than brief references to the PCMCIA, compact flash, memory stick, and JPEG standards.

C. Tucker

Tucker also fails to teach these elements. Instead, Tucker directed at a content delivery system that utilizes editing, caching and compressing to speed the delivery of content from a network, such as the Internet, while conserving bandwidth usage. Although Tucker discusses transcoding files, it does not teach or suggest transcoding into files containing a plurality of images, much less images adapted for cooperative display.

D. Wan

Wan also fails to teach these elements. Instead, Wan is directed at method for addressing specific portions of a monolithic audio/visual file. *Wan, col. 6, lines 43-68*. Using this method, a user can download a desired time block (e.g., minutes 15-30), rather than the whole A/V file. *Id. See also Wan, col. 1, lines 35-45* (explaining that the problem overcome is that “a Web user . . . must, in many cases, down-load an inconveniently large and cumbersome amount of information in order to locate useful information”). That is, Wan is directed at downloading a single file – and specifically a portion thereof – and not a “multi-image file [that] consists of a single data file

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comprising a primary image and a plurality of secondary images adapted for cooperative display.”

The Examiner cites Wan, figs 12-13, specifically the <ImageGroup id> as teaching the claimed multi-image files. Applicant respectfully traverses. The <ImageGroup id> in Figs. 12-13 just identifies a particular file for download. In the “prior art” embodiment in Fig. 12, the user must download the entire A/V file. *Wan, col. 17, line 65 – col. 18, line 3*. In Fig. 13, the user only needs to download the desired portion. *Wan, col. 18, lines 4-20*. In either case, the user in Wan downloads a single A/V file.

VII. Fees


Applicants do not believe that any fees are associated with this Response . However, the Patent Office is authorized to charge any fees, or credit any overpayments, to deposit account 09-0465.

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IX. Conclusion

Applicant believes that the present application is in condition for allowance and requests that the Office issue a Notice of Allowance. If the Examiner, upon considering this amendment, thinks that a telephone interview would be helpful in expediting allowance of the present application, he/she is respectfully urged to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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